

CITY COUNCIL AGENDA

MARCH 20, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Member Dando (excused)

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 3)**
The Reverend Canon S. Linda Taylor, Trinity Episcopal Cathedral,
delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation recognizing the Portuguese Organization for Social Services and Opportunities (POSSO) for 25 years of providing service to the community. (Chavez)
(Rules Committee referral 3/14/01)
Joining Mayor Gonzales at the Podium were Council Member Chavez and special guests Zuraida Peres, Executive Director, and Board Members Vicky Machado, Elizabeth Brum, and Paul Pereira who presented to each Council Member “Portuguese Sweet Bread”. Mayor Gonzales presented the commendation to the Portuguese Organization for Social Services and Opportunities and extended the City’s appreciation for POSSO’s 25 years of service to the community and wished the organization continued success at their anniversary celebration on Saturday, March 24, 2001.

1 CEREMONIAL ITEMS

- 1.2 Presentation of commendations to the Fire Department, Police Department, and Gary Briscoe, District 7 constituent, for fighting the two-alarm fire on Saturday, December 29, 2000, and rescuing an unconscious victim from the burning structure. (Shirakawa, Jr.)
(Orders of the Day)

Joining Mayor Gonzales at the Podium were Vice Mayor Shirakawa, Jr., Council Member Diquisto, Fire Chief Manuel P. Alarcon, Fire Captain Ramon Gamino who called for backup and requested the assistance of Engine 16 Crew; Police Officer Richard Dalton, first to arrive on the scene and attempted to rescue unconscious victim from the burning structure; District 7 constituent Gary Briscoe who used garden hose to keep Officer Dalton and unconscious victim cool from the heat of the fire; Fire Paramedic Jason Krassow and Firefighter James Williams who entered the burning structure and brought the unconscious victim to safety; and Fire Engineer Dennis Caywood who entered the burning structure and pulled comrade Fire Paramedic Krassow to safety when his regulator failed preventing airflow. Mayor Gonzales presented commendations to each representative with the City's appreciation for the heroic efforts.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular Meeting of November 21, 2000

Approved.

- (b) 2000 General Plan Annual Review Meeting of November 21, 2000

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of:

- (a) ORD. NO. 26311 – Rezones certain real property situated on the east side of Bonita Avenue, 200 feet northerly of Herald Avenue.
PDC 00-08-075

Ordinance No. 26311 adopted.

2 CONSENT CALENDAR

- (b) ORD. NO. 26312 – Rezones certain real property situated on both sides of Stallion Way, 160 feet southerly of Staghorn Lane.
PDC 00-08-081

Ordinance No. 26312 adopted.

- (c) ORD. NO. 26313 – Rezones certain real property situated at the southwest corner of South Bascom Avenue and Eisenhower Drive.
PDC 98-09-071

Ordinance No. 26313 adopted.

2.2 **Recommendation:** Final adoption of:

- (d) ORD. NO. 26314 – Rezones certain real property situated on the northeast corner of Park and Naglee Avenues.
PDC 00-10-105

Ordinance No. 26314 adopted.

- (e) ORD. NO. 26315 – Rezones certain real property situated between Roberts Avenue, Lucretia Avenue, Vintage Way, and Mistflower Drive.
PDCSH 00-10-103

Ordinance No. 26315 adopted.

- (f) ORD. NO. 26316 – Rezones certain real property situated on the west side of Piercy Road, approximately 200 feet south of Silver Creek Road.
C 00-11-114

Ordinance No. 26316 adopted.

- (g) ORD. NO. 26317 – Rezones certain real property situated on the southeast side of Piercy Road, approximately 500 feet southwest of English Place.
C 00-11-119

Ordinance No. 26317 adopted.

- (h) ORD. NO. 26318 – Rezones certain real property situated on the northwest side of Piercy Road, approximately 400 feet southwest of English Place.
C 00-11-120

Ordinance No. 26318 adopted.

- (i) ORD. NO. 26319 – Rezones and prezones certain real property situated on the north side of Hillsdale Avenue, opposite the terminus of Vista Park Drive.
PDC 99-10-083

Ordinance No. 26319 adopted.

2 CONSENT CALENDAR

2.3 Approval of assignment of leaseholds to AvBase San José, LLC and execution of a new lease.

Recommendation:

- (a) Adoption of a resolution granting conditional consent to an assignment of the fixed based operator ground lease at the San José International Airport from Aris Leasing Inc. to AvBase San Jose, LLC.

Resolution No. 70204 adopted.

- (b) Adoption of a resolution granting conditional consent to an assignment of the fixed based operator ground lease at the San José International Airport from Air One, Inc. to AvBase San José, LLC.

Resolution No. 70205 adopted.

- (c) Approval of a ground lease with AvBase San Jose, LLC for the construction and operation of a new Fixed Base Operation on the southwest side of San José International Airport, for a 30 year term, with the first year's rent in the amount of \$251,332.00, subject to annual Consumer Price Index increases, and subject to increase by appraisal every five (5) years during the term of the lease.

CEQA: Resolution No. 67380. (Airport)

Approved.

2.4 Approval of an agreement to produce the 2001 Performing Arts Series at the Montgomery Theater.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a contract with Montoya Productions to produce the 2001 Performing Arts Series at the Montgomery Theater, from date of execution to December 31, 2001, in an amount not to exceed \$90,000. (Conventions, Arts and Entertainment)

Resolution No. 70206 adopted.

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #34, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2 CONSENT CALENDAR

2.6 Approval of various actions to initiate proceedings to consider Allen Apartments a historic landmark.

Recommendation: Adoption of a resolution:

- (a) Initiating proceedings to consider the Allen Apartments, located at 156 E. St. John Street, as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature.
- (b) Setting a public hearing on June 5, 2001 at 1:30 p.m.
- (c) Referring the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.

(Planning, Building and Code Enforcement)

Resolution No. 70207 adopted.

2.7 Approval to decline grant funding and allow use of funding by the County of Santa Clara.

Recommendation: Adoption of a resolution authorizing the City Manager to decline block grant funding in the amount of \$240,832 available through the Juvenile Accountability Incentive Block Grant (JAIBG) and to waive San José's right to the subgrant award to allow use of the funding by the County of Santa Clara to maintain the Washington Neighborhood Restorative Justice Program and implement the Comprehensive Juvenile Services Project to provide enhanced services to troubled youth. (Police)

Resolution No. 70208 adopted.

2.8 Approval of an agreement and funding actions to continue the South Bay High Intensity Drug Trafficking Area Task Force.

Recommendation:

- (a) Approval of the annual agreement with the Drug Enforcement Administration (DEA) of the United States Department of Justice for the continuation of the South Bay High Intensity Drug Trafficking Area (HIDTA) Task Force for the period October 1, 2000, to September 30, 2001, in the amount of \$79,092.

Approved.

- (b) Approval of authorization for continuation of one clerical position for the Police Department as specified in the agreement.

Approved.

- (c) Adoption of related appropriation ordinance and funding sources resolution amendments in the General Fund for Fiscal Year 2000-2001 for clerical support and sworn overtime in the amount of \$79,491.

(Police/City Manager's Office)

Ordinance No. 26321 adopted.

Resolution No. 70209 adopted.

2 CONSENT CALENDAR

2.9 Approval of an agreement to purchase a parcel of land for the Los Gatos Creek Trail Project.

Recommendation: Approval of an agreement with Mary I. D'Anna, Trustee under the Mary I. D'Anna 1991 Trust established the 1st day of February, 1991, for the purchase of a parcel of land located on the west bank of the Los Gatos Creek to the south of Lonus Avenue in the amount of \$4,000, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: ND. Council District: 6. (Public Works)

Approved.

2.10 Approval to change contract terms for the New Fire Station No. 1 Project.

Recommendation: Approval of Contract Change Order No. 47 for the New Fire Station No. 1 Project, in the amount of \$24,207, for the installation of additional communication antennas and electrical power outlets, for a total contract amount of \$4,426,512. CEQA: Resolution No. 64273. Council District 3. (Public Works)

Approved.

2.11 Approval of an agreement for design services for the Graystone Park and Great Oaks Park Renovation Projects.

Recommendation: Approval of an agreement for consultant services with DDA Studio, Inc. dba Dillon Design Associates for the Graystone Park and Great Oaks Park Renovation Projects, from date of execution through May 31, 2002, in the amount of \$198,000, and \$15,000 for Additional Services, for a total agreement of \$213,000. Council Districts: 2 and 10. (Public Works)

Approved.

2.12 Approval to use the San José Arena for the City of San José's Energy Fair.

Recommendation: Approval of one proposed City Event, as provided in the San José Management Agreement, for use of the San José Arena on April 8, 2001, for the City of San José's Energy Fair. (San José Arena Authority)

Approved.

2.13 Approval to submit a grant application for pedestrian and bicycle projects.

Recommendation: Adoption of a resolution approving the list of pedestrian and bicycle projects to be submitted for FY 2001-02 TDA grant funding and authorizing the City Manager to take all steps necessary to accept any grant funds awarded to the City. CEQA: Exempt. (Streets and Traffic)

Resolution No. 70210 adopted.

2 CONSENT CALENDAR

2.14 Approval of appointments to committee and liaison positions.

Recommendation: Approval of appointments to committee and liaison positions.

(Mayor)

(Rules Committee referral 3/14/01)

1. **Council approved the following additions and amendments to City Council liaison appointments for newly elected Council Member Campos:**
 - **Finance & Infrastructure Committee**
 - **History Museums of San José Liaison**
 - **Santa Clara VTA Policy Advisory Board, Capital Corridor**
 - **Santa Clara VTA Policy Board, East Valley/Downtown Corridor**
 - **Advisory Commission on Rents Liaison**
 - **Suggestion Awards Commission Liaison**
 - **Solid Waste Commission of Santa Clara County, Alternate**
2. **Council approved Council Member LeZotte as the City representative to the Santa Clara County Pollution Prevention Committee.**

2.15 Approval of various actions for the Rancho Del Pueblo Driving Range Netting Enhancements Project.

Recommendation: Approval of a contingency budget increase in the amount of \$30,000 for a total contingency budget of \$45,000, and approval of Contract Change Order No. 1 in the amount of \$39,535, for a total contract amount of \$168,161, for the Rancho Del Pueblo Driving Range Netting Enhancements Project with Judge Netting. CEQA:

Exempt. (Public Works)

(Rules Committee referral 3/14/01)

Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session, Mayor Gonzales, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 7, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Agency items referred to the Redevelopment Agency Board.
- (b) City Council
 - (1) Review March 20, 2001 Draft Agenda
The Committee approved the March 20, 2001 City Council Agenda.
 - (2) Add New Items to March 13, 2001 Amended Agenda
The Committee recommended three additions to the March 13, 2001 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
 - (d) Ad Hoc Traffic Calming Advisory Committee**No Amendments to Council Committee Agendas.**
- (d) Meeting Schedules
None Presented.
- (e) The Public Record for the period February 21-27, 2001
The Committee noted and filed the Public Record for the period February 21-27, 2001.
- (f) Appointments to Project Diversity Screening Committee
The Committee approved the recommendation of Lillian Hicks, District 4, and Judy Nissila, District 8, as members of the Project Diversity Screening Committee.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.
- (h) Oral communications
None Presented.
- (i) Adjournment
The meeting was adjourned at 2:25 p.m.

The Rules Committee Report and actions of March 7, 2001 accepted.

3 STRATEGIC SUPPORT SERVICES

- 3.3 **Report of the Finance and Infrastructure Committee**
Council Member Dando, Chair
No Report.

- 3.4 **Approval of various actions related to Cable Franchise negotiations.**

Recommendation:

- (a) Acceptance of a status report on Cable Franchise renewal negotiations with Heritage Cablevision of California, Inc. (formerly dba TCI of San Jose, now AT&T Broadband).
- (b) Direction to staff to complete ascertainment of City's cable-related needs and interests and to develop a Request For Proposals for operation of a cable system to provide cable service and to meet and service those identified cable-related needs and interests.

Council accepted the status report and directed Staff to schedule a Council Study Session on the RFP and provisions related to equipment and facilities, customers and subscribers, industry competition, potential partnership ventures, and inclusion of cable services in new housing developments.

- (c) Adoption of an urgency ordinance to further extend the current cable franchise to June 30, 2001.

(City Manager's Office)

(Rules Committee referral 3/14/01)

Urgency Ordinance No. 26322 adopted.

- 3.5 **Special Municipal Election results.**

Recommendation: Adoption of a resolution certifying results of the Special Municipal Election held in District 5 on March 6, 2001. (City Clerk)

(Rules Committee referral 3/14/01)

Resolution No. 70211 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – March 5, 2001 Council Member Williams, Chair

- (a) Second Quarterly Downtown Housing Report
- (b) Progress Report on the San Jose/Silicon Valley Workforce Investment Program
- (c) City Administration's Response to Mayor's Housing Production Team Recommendations

The Committee recommended acceptance of the staff reports.

- (d) Status Report on the Community Homeless Alliance Project, including a followup report on a grant proposal submitted by the Community Homeless Alliance Ministry

The Committee recommended approval of the staff report, including the follow-up report on a grant proposal submitted by the Community Homeless Alliance Ministry.

- (e) Oral Petitions

(1) Phyllis Ward, representing Affordable Housing Network, spoke on segregation of funds, housing set asides for Section 8 certificate holders, and ELI permanent housing. (2) Sandy Perry, representing Community Homeless Alliance Ministry (CHAM), spoke on fiscalization of land use. (3) Pat Sausedo, Executive Director for the Silicon Valley Chapter of National Association of Industrial and Office Properties, spoke on items relating to industrial and office properties. (4) Amy Glad, representing Homebuilders Association, spoke on items impacting homebuilders industry.

- (f) Adjournment

The meeting was adjourned at 3:04 p.m.

The Economic Development & Environment Committee Report and actions of March 5, 2001 accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Approval of various actions regarding Proposed Community Facilities District No. 5.

Recommendation:

- (a) Close the public hearing on the proposed formation of Community Facilities District No. 5 (North Coyote Valley).
- (b) Adoption of a resolution directing recording of Notice of Abandonment for Community Facilities District No. 5 (North Coyote Valley).
- (c) Adoption of a Resolution of Intention to establish Community Facilities District No. 5A (North Coyote Valley) and set the public hearing on this matter for March 27, 2001 at 1:30 p.m.

CEQA: Resolution No. 69957. (Public Works)

(Continued from 11/7/00 – Item 10a et al., and 2/27/01 – Item 4.2)

Deferred to 03/27/01.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair No Report.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc) – March 8, 2001 Council Member Reed, Chair

- (a) Review of Crosswalk Installation Guidelines
The Committee recommended approval of the report with direction to Staff to provide reformatted guidelines for Committee review at a future meeting to ensure the public understands the guidelines.
- (b) Review of Bike Lane Installation Guidelines
The Committee recommended acceptance of the staff report and requested a report on the process of installing bicycles facilities without first having a general plan amendment.
- (c) Oral petitions
None Presented.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc) – March 8, 2001 – (Cont'd.) Council Member Reed, Chair

(d) Adjournment

The meeting was adjourned at 4:00 p.m.

The Traffic Calming Advisory Committee Report and actions of March 8, 2001 accepted.

6.2 Approval of various actions related to Taxi Cabs.

Recommendation:

- (a) Approval of the recommended methodology for determining the appropriate gasoline surcharge;
- (b) Adoption of a resolution to adjust the per mile and flag drop components of the City's meter rate from \$.20 per 1/10 mile to \$.25 per 1/9 mile, and repealing Resolution No. 68398.

**Council approved Staff recommendation; and
Resolution No. 70212 adopted.**

- (c) Direction to staff that an evaluation of the impact associated with the gasoline surcharge be included in the Team report scheduled for Council in August 2001;
- (d) Deferral of any future action on the issue of short fares until the August 2001 review in order to evaluate the impact of the gasoline surcharge; and
- (e) Direction to the City Attorney to include a provision in the Taxi Cab Ordinance that would allow for taxi top advertising.

(City Manager's Office)

(Rules Committee referral 3/14/01)

Council approved Staff recommendation.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Acceptance of the South Bay Water Recycling Status Report.

Recommendation: Acceptance of the Fourth Quarter 2000 Status Report for South Bay Water Recycling Program. (Environmental Services)

Council accepted the status report.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

9.1 Acceptance of the Police Department's Sworn Recruitment and Training Program Report.

Recommendation: Acceptance of the Police Department Sworn Recruitment and Training Program Report for July 1, 2000 to December 31, 2000 hiring period.
(Police)

Council accepted the report with direction to the Administration to provide Council with pertinent information compiled from interviews of Police Officers leaving City employment.

Council directed the Administration to present to the Rules Committee for possible modification a list of reports due on a quarterly, semi-annual, and annual basis, and to include in that compilation the Police Department's Sworn Recruitment and Training Program.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 3:50 P.M. TO CONSIDER ITEMS 10.1, 10.3, 10.4, AND 10.5 IN A JOINT SESSION

10.1 Approval to increase compensation for consultant services for the proposed expansion of the Convention Center.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Strategic Advisory Group, LLP for consulting services related to the proposed expansion of the San José Convention Center, in an amount not to exceed \$250,000, for a total contract cost not to exceed \$310,000, and extending the term of the agreement to September 30, 2001.

Resolution No. 70213 adopted.

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$250,000.

(City Manager's Office/Redevelopment Agency)

Ordinance No. 26323 adopted.

Resolution No. 70214 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 Public Hearing on the Mayor's Budget Message.

Recommendation: Public Hearing and adoption of the Mayor's Budget Message for FY 2001-2002. (Mayor)

This Item Heard in the Evening.

Council approved the direction to Council Appointees contained in the Mayor's Budget Message for purposes of developing the proposed budget for Fiscal Year 2001-2002 for Council's deliberation in May 2001, with additional information included in proposed budgets submitted by the City Manager and Redevelopment Director, and with individual additions and modifications as recommended by each Council Member in core service areas of Aviation, Economic & Neighborhood Development, Environmental and Utility Services, Public Safety Services, Recreation and Cultural Services, Strategic Support, and Transportation Services.

Noes: Reed.

10.3 Approval for the Redevelopment Agency to transfer property to the City of San José's Housing Department.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board approving the transfer of the Redevelopment Agency-owned property located at 937 Locust Street to the Housing Department to provide transitional housing for fire victims and others displaced through no fault of their own. (City Manager's Office/Redevelopment Agency)

(Rules Committee referral 3/14/01)

Deferred to 04/10/01.

10.4 Council and Agency Board expression of support for Guadalupe River Park and Creek Restoration Projects.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board expressing support for the Guadalupe River Project and Guadalupe Creek Restoration Project. CEQA: Exempt. (City Manager's Office/Redevelopment Agency)

(Rules Committee referral 3/14/01)

City Council Resolution No. 70215 adopted.

Redevelopment Agency Board Resolution adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.5 Approval for the City Manager and Redevelopment Agency Director to negotiate and execute a loan for the American GI Forum.

Recommendation:

- (a) Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara to equally fund a 3-year, interest-only loan in an amount equal to \$4,000,000; and
- (b) Adoption of an appropriation ordinance and revenue resolution amendments in the Construction Excise Tax Fund to provide a loan in the amount of \$2,000,000 to the G.I. Forum and adoption of a resolution making certain determinations regarding the expenditure of Agency funds on certain public improvements; and
- (c) Adoption of a resolution by the Agency Board approving the addition of \$2,000,000 to the Adopted FY 2000-01 Redevelopment Agency Capital Budget North San Jose Improvements new line item in the Rincon de Los Esteros Redevelopment Project Area from the Capital Reserve, and
- (d) Adoption of a resolution by the Agency Board amending the FY 2000-01 Redevelopment Agency appropriation resolution, and
- (e) Adoption of a resolution by the Agency Board approving the transfer of \$2,000,000 to the City, for the Department of Public Works, as the Redevelopment Agency contribution to the City of San Jose's share of the G.I. Forum loan.

(Redevelopment Agency/City Manager's Office)

(Rules Committee referral 3/14/01)

City Council Resolution Nos. 70216 – 70218 adopted.

Ordinance No. 26324 adopted.

Redevelopment Agency Resolutions adopted.

**REDEVELOPMENT AGENCY BOARD RECESSED AT 4:15 P.M.,
RECONVENED AT 7:15 P.M. IN JOINT SESSION WITH CITY COUNCIL TO
CONSIDER ITEM 10.2, AND ADJOURNED AT 9:20 P.M.**

- **Closed Session Report**
- **Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.**
 - (1) **Peter Ross spoke against Airport parking enforcement, and in favor of electronic devices displaying flight information. Aviation Administration to respond to Mr. Ross' concerns.**
 - (2) **Ross Signorino spoke on a recent San José Mercury News article entitled "Utility Taxes Boost City Coffers".**

- **Following Open Forum, Council recessed at 4:20 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.**

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

11.1 Public hearing and approval of an ordinance establishing a Parking Management Zone.

Recommendation: PUBLIC HEARING and approval of an ordinance amending Chapter 20.90 of Title 20 of the San José Municipal Code to establish a Parking Management Zone for the Alum Rock Village Area. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval for the Alum Rock Village Area. (7-0-0). CEQA: Negative Declaration. District 5. (Planning, Building, and Code Enforcement).

(Continued from 3/6/01 – Item 11.1)

Ordinance No. 26325 passed for publication.

11.2 Public Hearing on an ordinance adding ground floor use regulations within a portion of the Downtown to replace the Ground Floor Use Moratorium.

Recommendation: Public Hearing on and approval of an ordinance amending various chapters in Title 20 of the San Jose Municipal Code to include specific use regulations for ground floor uses within a portion of the Downtown Core to replace the ground floor use moratorium previously adopted under Ordinance No. 26277 on the area bounded by St. John Street, Fourth Street, San Salvador Street, and the east side of Almaden Boulevard. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0), with the following exception: Delete the proposed provision related to legal nonconforming, and include the issue of legal conforming Downtown ground floor space in the two year review of the regulations.

Ordinance No. 26326 passed for publication.

11 PUBLIC HEARINGS

11.3 Public hearing on planned development rezoning on Skyway Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly terminus of Skyway Drive, from (A) PD Planned Development Zoning District and R-1:B-6 Residence District to (A) PD Planned Development Zoning District, to allow: (1) secondary access to Diamond Heights Drive; (2) an increase in the maximum number of students from 1200 to 1400; (3) hard court and parking uses on areas previously designated for open space, and (4) deletion of the requirement to implement a busing program; and (5) combination of the previously approved portions of an existing high school and church campus under one Planned Development Zoning District on 52.68 gross acres. (Valley Christian Schools and South Valley Christian Church, Owner/Developer). CEQA: Negative Declaration. PDC 00-08-065 - District 2

(Continued from 12/12/00 – Item 15k and 1/16/01 – Item 11.5)

Continued to 04/03/01.

11.4 Public hearing on planned development rezoning at 1135 Auzerais Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Auzerais and Race Streets (1135 Auzerais Street), from M-1 Manufacturing Zoning District to (A) PD Planned Development Zoning District, to allow for the relocation of a billboard on 2.86 gross acres. (Chester C. Lehmann, Owner/Developer). CEQA: Exempt.

PDC 00-08-082 - District 6

(Continued from 12/12/00 – Item 15n et al., and 3/6/01 – Item 11.2)

Continued to 04/03/01.

11.5 Public hearing on planned development rezoning at Hedding Street and Park Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Hedding Street and Park Avenue, from R-1:B-6 Residence Zoning District to A(PD) Planned Development Zoning District, to allow the construction of 11 single-family detached residences on 1.14 gross acres. (University Park Partners, Owner; Rosegarden Courtyards, LLC, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-10-107 - District 6

(Continued from 1/16/01 – Item 11.10 et al., and 3/6/01 – Item 11.4)

Ordinance No. 26327 passed for publication.

11 PUBLIC HEARINGS

11.6 Public hearing on planned development rezoning on Berryessa Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Berryessa Road, between Sixteenth and Seventeenth Streets, from M-1 Manufacturing Zoning District to A(PD) Planned Development Zoning District, to allow the construction of six single family detached residences on 0.5 gross acres. (Son Nguyen, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-09-092 - District 3

(Continued from 3/6/01 – Item 11.9)

Ordinance No. 26328 passed for publication.

11.7 Public hearing on planned development rezoning at West Alma and Sherman Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of West Alma Street and Sherman Street, from R-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow a duplex use with the future subdivision of one parcel into two lots on 0.12 gross acres. (Silicon Valley Habitat for Humanity, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-12-122 - District 3

Ordinance No. 26329 passed for publication.

11.8 Public Hearing on planned development rezoning at Monterey Road and Aiello Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located between Monterey Road and Aiello Drive approximately 600 feet southerly of Umbarger Road from T-M Zoning District to A(PD) Planned Development Zoning District, to allow up to 58 multi-family residential units and 8,542 square feet of commercial development on 2.93 gross acres (Manou Movassate, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-06-051 - District 7

Ordinance No. 26330 passed for publication.

Council directed Staff to disclose to potential homebuyers the planned City-operated animal shelter to be located to the north of the proposed development.

11 PUBLIC HEARINGS

11.9 Public Hearing on planned development rezoning at Interstate 280 and Northrup Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at southwest corner of Interstate 280 and Northrup Street, from County Zoning District to A(PD) Planned Development Zoning District, to allow construction of nine single-family detached residences on 0.70 gross acres. (Blackwell Brothers Development Company, Owner; Blackwell Brothers Construction, Developer). CEQA: Negative Declaration.
PDC 00-08-071 - District 6

Dropped.

11.10 Public Hearing on conforming planned development rezoning on Piercy Road.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located on the northerly side of Piercy Road, approximately 445 feet easterly of the intersection of Hellyer Avenue and Silver Creek Valley Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an addition of approximately 36,292 square feet to a previously approved industrial park facility on approximately 14.25 gross acres. (Michael Luu, Provident Development, LLC, Owner/Developer). CEQA: Council Resolution No. 70021. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
PDC 00-08-077 - District 2

Ordinance No. 26331 passed for publication.

11.11 Public Hearing on planned development rezoning on Winchester Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Winchester Boulevard, approximately 150 feet northerly of Neal Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the construction of 196 multi-family attached residences on 4.3 gross acres. (Daniel Hudson et al., Owner; Bob Hudson, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC 00-12-123 - District 1

Ordinance No. 26332 passed for publication.

Council directed Staff to work with the Developer on the selection of the trees.

11 PUBLIC HEARINGS

11.12 Public Hearing on conforming prezoning of 104 North Bascom Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at the east side of North Bascom Avenue, approximately 100 feet northerly of Olive Avenue (104 North Bascom Avenue), from County to CP Commercial Pedestrian Zoning District, to allow commercial uses on 0.13 gross acres. (Kyo Phu, Owner/Developer). CEQA: Exempt.

C 00-09-098 - District 6

Continued to 04/03/01.

11.13 Public Hearing on a planned development prezoning and rezoning at State Route 237, between Zanker Road and Coyote Creek.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING AND REZONING of the property located on the north side of State Route 237, between Zanker Road and Coyote Creek, on a 174.4 gross acre site in the LI Light Industrial and A20 (County) Zoning Districts, to allow the development of up to 2.227 million gross square feet of low intensity industrial uses consisting of communications facilities in warehouse style buildings, a Central Reliability Energy Center (CREC), landscaping, and an access driveway. (Cilker, Lin & Hom, Owner; USDataport, Developer). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-3-0).

PDCSH 00-06-048 - District 4

Continued to 04/03/01.

11.14 Public Hearing on a conforming rezoning at East Hedding and North 8th Streets.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southeast corner of East Hedding and North 8th Streets, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an increase in building height from 45 feet to 50 feet, for an approved 300 attached dwelling unit residential project on 5.42 gross acres. (Norsca Associates, Owner; Regis Homes, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 00-10-101 - District 3

Ordinance No. 26333 passed for publication.

11 PUBLIC HEARINGS

11.15 Public hearing on conforming rezoning on Curtner Avenue and approval of the reorganization and annexation of Cambrian No. 31.

Recommendation:

- (a) PUBLIC HEARING ON CITY COUNCIL-INITIATED CONFORMING PREZONING of property consisting of the public right-of-way on the north side of Curtner Avenue approximately 540 feet easterly of Salerno Drive to the intersection of Curtner Avenue and Salerno Drive, from County to A-Agricultural Zoning District, on 0.47 gross acres. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement)
CC 1-02-018 – District 9

Ordinance No. 26334 passed for publication.

- (b) Adoption of a resolution authorizing the reorganization of territory designated as Cambrian No. 31, which involves the annexation to the City of San José of 2.02 gross acres of land, located on the north side of Curtner Avenue, 90 feet southerly of Salerno Drive, and detachment of the same from the Central Fire Protection District, Santa Clara County Library Services Area, and the County Lighting Services District. CEQA: Negative Declaration.
(Planning, Building and Code Enforcement)
(Deferred from 3/6/01 – Item 2.9)
- **Resolution No. 70219 adopted.**

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- **Open Forum**

- (1) **Sparky Cohen addressed Council on the City's towing appeals process. Speaker directed to City Attorney's Office.**
- (2) **Danny Garza congratulated Council Member Campos on the District 5 election results, and asked that his neighborhood be included in the Strong Neighborhood Initiative.**

- **Adjournment**

The Council of the City of San José adjourned at 9:30 p.m.